24083

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:	CASE NO: **10-02033 BKT**
Carlos R. Negron Padilla,	CHAPTER: **13**
Debtor	
Banco Popular de Puerto Rico, ***Movant,***	
Carlos R. Negron Padilla,	
Debtor-Respondents,	
Alejandro Oliveras Rivera, *Trustee.*	

JOINT MOTION FOR ENTRY OF ORDER BY CONSENT

Come now **Banco Popular de Puerto Rico,** hereinafter referred to as "BPPR", **Carlos R. Negron Padilla** , hereinafter referred to as "the debtor", through their undersigned attorneys, and very respectfully allege, state and pray:

1. On September 22, 2010, BPPR filed a Motion for Relief from Stay under §362 of the Bankruptcy Code. (Please refer to Docket No. 46).

2. On October 6, 2010, Debtor answered to BPPR's request for relief from stay. (Please refer to Docket No. 50).

3. On November 16, 2010 the debtor filed an amended plan date November 15, 2010. (Please refer to Docket No. 58)

protecting the rights of secured creditor BPPR should the debtor default in the payments due to BPPR.

UNDERLYING STIPULATED FACTS

5. BPPR is the holder in due course of a mortgage note in the principal sum of $134,300.00 bearing interest at 6.50% per annum ("the note"). The indebtedness evidenced by the note is secured by a mortgage executed before the notary public Irving A. Faccio Rivera on April 16, 2005, deed number 20 ("the mortgage").

6. The mortgage encumbers the following property described in Spanish as follows:

> Rústica: Porción de terreno radicada en los Barrios Pueblo y Cibuco de Cororal, Puerto Rico, con una cabida superficial de 1.1002 cuerdas, equivalentes a 4324.2875 metros cuadrados. En lindes: por el Norte, en 2 alineaciones distintas que suman 149.99 metros cuadrados, con Juan Quiles, Angel Caraballo y José Rodríguez; por el Sur, en 5 alineaciones distintas que suman 153.471 metros cuadrados con la finca principal de la cual se segrega; por el Este, en 5 alineaciones distintas que suman 56.183 metros cuadrados con un camino municipal y con la finca principal de la cual se segrega; y por el Oeste, en 55,224 metros cuadras con el remanente de la finca principal de la cual se segrega. Enclava una estructura dedicada a vivienda con aproximadamente 2500.00 pies de construcción que consta de 4 cuartos dormitorios, 3 baños, laundry, sala-comedor, cocina y balcón.

7. On September 27, 2010 BPPR filed secured proof of claim number 7 which included $15,010.36 worth of pre-petition arrears.

8. The debtor's payment plan requires that the debtor make monthly regular post petition payments directly to BPPR.

9. The debtor has not made the monthly installments due to having incurred in post-petition installments in arrears to BPPR amounting to $8,665.96 up until December 1, 2010.

10. The post petition arrears incurred by the debtor are composed as follows:

Installments in arrears:			
(From April 2010 to December 2010)			
9 Installments @	$876.00		$7,884.00
9 Late Charges @	$42.44		381.96
Legal Fees			400.00
Total Arrears			**$8,665.96**

11. In order to cure those arrears the debtor amended the plan on November 16, 2010.

12. The amended payment plan provides for trustee to pay the pre-petition and post-petition arrears incurred with BPPR. The amended plan also provides for the debtors to make post petition payments directly to BPPR as they become due.

AGREEMENT

The parties have reached an agreement which provides for the following:

13. The Debtors shall pay BPPR through the amended payment plan $15,010.36 to cure the pre-petition incurred with BPPR and $8,665.96 to cure the post-petition installments arrears with BPPR for a total of $23,676.32.

14. BPPR will amend proof of claim number 7 accordingly.

15. The debtors will resume the current monthly payments on January 1, 2011.

16. The debtors agree that should they fail to make two (2) or more of the post-petition monthly installments due to BPPR, by the 16th of the month in which the payment is due, beginning with the installment due January 1, 2011, the automatic stay will be deemed lifted in favor of BPPR in relation to the above described property with the mere filing of

an informative motion to that effect, without further notice or/and without the need to celebrate a hearing, that is the stay will be lifted automatically.

17. The debtors agree that should they fail to make 2 (two) or more of the monthly installments due to the Trustee under the plan by the 16th of the month in which the payment is due the automatic stay will be deemed lifted in favor of BPPR in relation to above described property with the mere filing of an informative motion, without further notice or/and without the need to celebrate a hearing, that is the stay will be lifted automatically.
18. The debtors agree that should the automatic stay be lifted pursuant to this agreement it will be considered an *in rem* order.
19. The parties agree that this agreement does not change, alter or modify the provisions of the note and the deed.

NOTICE TO ALL PARTIES IN INTEREST

You must file a motion in response to and in opposition to this motion and request a hearing within 21 days of the notice of this motion.

If no response is filed within the prescribed period of time the Court may enter an order granting the relief herein requested.

WHEREFORE, BPPR and the debtors' request that the agreement herein set forth be approved and an order be entered accordingly.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico this 10 day of November 010.

Legal Counsel for debtor:
Juan O. Calderon Lithgow

Legal counsel for BPPR:
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s/ Vanessa Torres Quiñones
By: Vanessa M. Torres Quiñones
USCD-PR 217401

I HEREBY CERTIFY that this 13 day of December 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: ***the Trustee Alejandro Oliveras Rivera*** and to ***to the debtors' attorney,*** Juan O. Calderon Lithgow

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